

MORGANTOWN PLANNING COMMISSION

MINUTES

6:30 PM

September 12, 2013

Council Chambers

MEMBERS PRESENT: Peter DeMasters, Michael Shuman, Bill Petros, Ken Martis, William Wyant, Carol Pyles, Tim Stranko, and Bill Kaweck

MEMBERS ABSENT: Sam Loretta

STAFF: Christopher Fletcher, AICP

I. CALL TO ORDER/ROLL CALL: DeMasters called the meeting to order at 6:30 PM and read the standard explanation of the how the Planning Commission conducts business and rules for public comments.

II. GENERAL PUBLIC COMMENTS: None

III. MATTERS OF BUSINESS:

A. Approval of the April 25, 2013 meeting minutes: Martis moved to approve the minutes from the April 25, 2013 hearing as presented; seconded by Stranko. Motion carried unanimously with DeMasters, Wyant and Loretta abstaining due to absence.

B. Approval of the June 13, 2013 meeting minutes: Stranko moved to approve the minutes from the June 13, 2013 hearing as presented; seconded by Petros. Motion carried unanimously with Shuman and Martis abstaining due to absence.

C. Approval of the August 8, 2013 meeting minutes: Martis moved to approve the minutes from the August 8, 2013 hearing as presented; seconded by Shuman. Motion carried unanimously with Pyles, Stranko and Kaweck abstaining due to absence.

D. Appointment to Design Review Committee: Stranko nominated Kaweck for appointment to the Design Review Committee; seconded by Pyles. DeMasters appointed Kaweck to the Design Review Committee by acclamation.

IV. OLD BUSINESS: None.

V. NEW BUSINESS:

A. MNS13-18 / GCF Properties, LLC / 246 and 248 Fife Street: Request by Lisa Mardis of Project Management Services on behalf of GCF Properties, LLC, for minor subdivision approval of property located on Fife Street; Tax Map 26, Parcels 156 and 157; R-3, Multi-Family Residential District.

Fletcher read the Staff Report stating that the petitioner seeks to combine Parcels 156 and 157 of Tax Map 26 into one (1) parcel to construct an eleven-unit multi-family structure. Addendum A of this report illustrates the location of the subject site.

Parcel 156 is approximately 5,269 square feet and Parcel 157 is approximately 2,942 square feet. The proposed subdivision will result in one (1) parcel having an approximate area of 8,211 square feet, which will exceed the minimum lot area standard of 5,000 square feet in the R-3 District. The combined frontage of the parcels along Fife Avenue will be approximately 145 feet, which will exceed the minimum lot frontage standard of 40 feet in the R-3 District.

DeMasters recognized Lisa Mardis of Project Management Services, on behalf of GCF Properties LLC, who concurred with the Staff report and offered to answer any questions the Board may have.

There being no comments or questions by the Commission, DeMasters opened the public hearing asking if anyone was present to speak in favor of or in opposition to the petition. There being no public comments, DeMasters declared the public hearing closed and asked for staff recommendations.

Fletcher stated that Staff recommends approval with the following conditions:

1. That the petitioner submit three (3) original final plat documents, including all access/utility easements if applicable, signed and sealed by a surveyor licensed in the State of West Virginia for the Planning Commission President's signature;
2. That the final plat may not be recorded until all existing structures are razed and removed; and,
3. That the final plat is filed at the Monongalia County Courthouse within thirty (30) days of meeting the conditions set forth above.

Wyant asked if there were parking requirements for this development. Fletcher confirmed that parking requirements exist and the preliminary plans submitted to the Planning Division provide adequate parking on the property.

Stranko moved to approve minor subdivision petition MNS13-18 as requested with Staff recommended conditions; seconded by Petros. Motion carried unanimously.

- B. MNS13-20 / DFJK, LLC / 792 Weaver Street:** Request by Lisa Mardis of Project Management Services, on behalf of DFJK, LLC, for minor subdivision approval of property located at 792 Weaver Street; Tax Map 25, Parcel 42; R-1A, Single-Family Residential District.

Fletcher read the Staff Report stating that the petitioner seeks to subdivide Parcel 42 of Tax Map 25 into two (2) new parcels. Addendum A of this report illustrates the location of the subject site.

The subject realty is currently owned by the First Church of the Nazarene. It includes a single-family dwelling that has been registered as a rental unit with the City since 1992 and a parking lot used by the church. The petitioner seeks to purchase that portion of the property containing the single-family rental unit leaving the remainder of the property under the continued ownership and parking lot use of the church.

Both parcels will exceed the 3,500 square foot minimum lot area and 30 foot minimum lot frontage standards in the R-1A District. Additionally, the petitioner has adjusted the proposed subdivision line so that the single-family structure meets the R-1A District five-foot minimum side setback standard.

DeMasters recognized Lisa Mardis of Project Management Services, on behalf of DFJK, LLC, who concurred with the Staff Report and offered to answer any questions the Commissioners may have.

There being no comments or questions by the Commission, DeMasters opened the public hearing asking if anyone was present to speak in favor of or in opposition to the petition. There being no public comments, DeMasters declared the public hearing closed and asked for staff recommendations.

Fletcher stated that Staff recommends approval with the following conditions:

1. That the petitioner submit three (3) original final plat documents, including all access/utility easements if applicable, signed and sealed by a surveyor licensed in the State of West Virginia for the Planning Commission President's signature;
2. That the final plat is filed at the Monongalia County Courthouse within thirty (30) days of meeting the condition set forth above.

Stranko moved to approve minor subdivision petition MNS13-20 as requested with Staff recommended conditions; seconded by Wyant. Motion carried unanimously.

C. TX13-04 / Administrative / B-4 District Setbacks: Administratively requested Zoning Text Amendment to Article 1349.04 as it relates to setback and encroachment standards within the B-4 District.

Fletcher read the Staff Report stating in November 2007, City Council enacted several revisions to Article 1349 B-4, General Business District in response to considerable opposition expressed publicly surrounding a large-scale development proposed for property bound by University Avenue, Moreland Street, Chestnut Street, and Kirk Street.

One of the several revisions enacted in Ordinance 07-57 (see attachment) provides, 1349.04(A)(1) No minimum front or street side building setback is required. For developments that are bordered on all sides by public right-of-way (i.e., entire City block), then the minimum front or street side building setback is 15 feet.

City Council's intent for the mandatory minimum setback standard was to recognize the relationship of street width to building height in terms of shaping the streetscape and minimizing urban canyon effects created by taller structures consuming an entire city block and fronting narrow rights-of-way.

Since the abandonment of the noted development and City Council's November 2007 zoning text revisions, Staff has worked directly with several prospective developers of the subject site. On each occasion, the developers' design professionals have identified the minimum setback standard of 15 feet as one of the principal reasons for not pursuing further interest or submitting development proposals for Planning Commission review and approval.

Each contemplated development has included two to four decks of structured parking below mixed-use or multi-family dwellings. The design professionals have maintained that the 30-foot reduction in developable width of the site, along with the geometry of the site, impede adequate parking deck design given fixed standards associated with parking spaces, drive aisles, internal circulation, ingress and egress, and structural components required for the contemplated buildings.

Staff is not aware of any earnest development interest in the subject site at present. However, given continued market interest in and ongoing construction of urban-scaled development throughout the City and the fact the subject site remains undeveloped, it appears that reconsideration of the 15-foot minimum setback is warranted.

Building-to-street proportion refers to the relationship between the heights of buildings on each side of the street, to the right-of-way width between those buildings. There are a number of theories and practices to plan for proportional streetscape planning, but all are founded on contextually enhancing the pedestrian experience within the spatial enclosure of unique urban settings. For instance, downtown Morgantown is very different from suburban-type downtowns, which are very different from metropolitan downtowns.

Many communities use ratios that reflect their unique built environments in terms of preservation and/or planned growth. Ratios can be used to establish minimum and/or maximum building height provisions given the width of the dividing right-of-way.

Prior to and after the City's major zoning ordinance amendment in Jan 2006, the maximum building height standard in the B-4 District was 120' by-right or higher with conditional use approval. The November 2007 revisions removed the ability to exceed 120' under a conditional use approval thereby capping building height at 120'. The purpose for maintaining the maximum building height at 120' was to preserve the property right that had long been established and provide opportunity for continued growth and development within Morgantown's central business district.

Given the fixed public policy to maintain the maximum building height standard of 120 feet, City Council requested the 15-foot minimum setback standard be included for entire city block developments rather than the recommended lesser distances. This would notionally increase the width between entire city block developments to 30 feet regardless of the actual width of the dividing right-of-way.

It should be noted that front and side setback standards for "infill" type development within the B-4 District is 0 feet.

The challenge in developing a building-to-street ratio or a rigid minimum setback standard for entire city block developments within Morgantown's central business district is applying a "one size fits all" approach within an urban built environment that contains relatively small city blocks created by right-of-way widths that vary from 12 feet to 66 feet [refer to staff report for table illustrations].

This varying geometry challenge created by the existing downtown street grid is further complicated by considerable elevation changes; particularly between Chestnut Street and University Avenue.

The Planning and Zoning Code also addresses the context of building height for entire city blocks by establishing maximum setback provisions as follows:

- Article 1349.04(A)(2) provides a maximum setback standard of 20 feet for entire city block developments.
- Article 1349.04(A)(3) provides an exception to the maximum front and street side building setbacks when buildings are taller than three (3) stories.
- To minimize canyon effects created by tall structures, Article 1351.01(l) provides that buildings taller than three (3) stories must incorporate design elements that preserve adequate light and airflow to public spaces including streets and sidewalks. Desired design elements include, but are not limited to, one or a combination of recessing or “stepping back” upper floors, increased front and/or street side setbacks while incorporating measures to preserve the continuity of the predominant street wall, etc. To demonstrate proposed design elements minimize canyon effects, site plan applications for buildings taller than three stories must include an air flow analysis and sunlight distribution analysis.

Staff recommends the following alternate approach to preserving the maximum building height standard of 120 feet, minimizing canyon effects, and promoting pleasant and attractive streetscape planning (deleted matter struck-through; new matter underlined).

1349.04 SETBACKS AND ENCROACHMENTS.

- (A) The following setbacks shall be required for all principal structures, except as otherwise provided in Section 1363.02 (B) Yard, Building Setbacks and Open Space Exceptions:
- (1) No minimum front or street side building setback is required. For developments that are bordered on all sides by public right-of-way (i.e., entire City block), then the minimum front or street side building setback ~~is 15 feet.~~ shall be required as follows:
 - (a) No minimum front or street side building setback shall be required for parking, mechanical, utility, or similarly utilized space, facilities, and/or improvements located below the grade of the adjoining public right-of-way.
 - (b) Beginning at the grade of the adjoining public right-of-way, a minimum of 8 feet shall be required for front or street side building setbacks.

DeMasters noted a significant difference in height between University Avenue and Chestnut Street and asked if an eight foot front setback was required to construct below grade. Fletcher confirmed. DeMasters asked if the structure could touch the rear property line and if the areas on the side that go below grade could read the side property lines. Fletcher confirmed. DeMasters asked if the setback for above grade is eight feet and Fletcher confirmed.

Martis asked if sidewalks could be up to eight feet in width. Fletcher stated that the minimum width of sidewalks is eight feet.

Petro asked if building under the sidewalk is allowed or if the property line starts at the sidewalk where the building adjoins. Fletcher explained that if the back of the sidewalk adjoined the property line, then building would not be allowed underneath. However, to accommodate a wider sidewalk, a portion of the public sidewalk that's on the property could have development below grade. Petros asked if building underneath would affect utility lines. Fletcher said it

would depend on how the utility lines were routed and he had not visited the site to see where telephone poles are located.

Martis asked what property Sheetz was interested in acquiring. Fletcher stated that Sheetz had applied for variances applications for the former Premier dealership. Martis asked if the subject property was the area located next to the old car dealership. Fletcher confirmed and explained that the changes in the text amendment would be helpful towards the former Premier dealership in addition to the vacant area beside it and other areas downtown.

Stranko noted the changes would promote compact pedestrian friendly businesses.

Fletcher explained that previous administrations had made efforts in the past to execute a text amendment for the B-4 area, but nothing was ever finalized.

Kawecki asked if this is a common practice that could be found in other zoning ordinances at other locations. Fletcher stated it depends on the context of the existing built environment when comparing other communities to Morgantown. Fletcher explained that Morgantown is very compact and everything is built close to the sidewalks with relatively small rights-of-way. Morgantown has service alleys that are twelve feet and rights-of-way that go up to sixty-six feet, which creates odd geometry when looking at entire City blocks. The academic approach in developing ratios between building heights and street widths is based on identifying an acceptable relationship that creates the pedestrian-scaled outdoor room. As the building gets higher and the right-of-way gets narrower, a canyon effect occurs where sections of public realm never see daylight and wind tunnels are created.

Kawecki stated that he supports smart and attractive design but expressed concerns with possible repercussions in other locations if the ordinance is changed in the B-4 District. Kawecki asked if changing the setbacks is the best solution for the B-4 District area. Fletcher suggested tabling the case in order to provide illustrations and further explanations at a future Planning Commission meeting.

Martis asked what types of visions have been presented to the City and whether they have been commercial or apartments. Fletcher referred to the Staff Report and stated all proposals have included some type of apartments either with mixed-use dwellings or multi-family dwellings. Fletcher noted that he could provide more information if tabled.

Stranko moved to table TX13-04; seconded by Shuman. Motion carried unanimously.

Wyant asked if TX13-04 was applicable to all of the B-4 District or only pertaining to the subject site discussed. Fletcher stated the text amendment would be for the entire B-4 District but limited to developments that comprise an entire city-block.

Kawecki asked if there was another way to change the setbacks at the subject location instead of doing a text amendment for the entire B-4 District. Fletcher noted that the developers could request variances for that location.

VI. OTHER BUSINESS:

A. Committee Reports

- Traffic Commission: Wyant stated the Traffic Commission discussed the role of the Commission in relation to MPO and the Comprehensive Plan. There will be a request forthcoming to schedule a joint Traffic and Planning Commission Workshop to discuss how the two plans work together.
- Green Team: No report.

B. Staff Comments: Fletcher stated that the Planning Commission President Peter DeMasters has, in accordance with the Planning Commission's Bylaws, duly called a workshop that will immediately follow the Commission's business meeting. The purpose of the workshop will be to study the prioritization of strategies identified in the 2013 Comprehensive Plan. Workshops are not considered regular or special meetings and may not include the formal conduct of business, the rendering of decisions, or taking action for which the Commission is charged. Workshops are open to the public and are intended to serve as training, study, public education, etc.

VII. FOR THE GOOD OF THE COMMISSION:

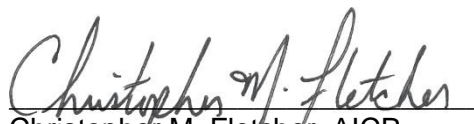
Martis inquired about the proposed Sheetz development on University Avenue and the status for the approval process with the City Commissions. Fletcher stated that Sheetz developers have met with the City and have submitted plans. The plans have been reviewed and were advertised to go before the Board of Zoning Appeals but have been postponed until the October 2013 hearing. Martis expressed concerns on the appearances of Sheetz stores and doesn't feel it is consistent with the historic downtown character. Martis asked if the proposed Sheetz could be constructed with an appearance consistent to the downtown area, without the bright orange paint and lights. Fletcher noted that Sheetz has already made a number of design changes and the proposed Sheetz will have a different look from the other stores within the Morgantown area. Stranko expressed concerns with the proposed development on whether the location is the best use for that area. Stranko noted the area is one of the busiest intersections within the City and is located across the street from a historic building.

VIII. ADJOURNMENT: 7:15 PM

MINUTES APPROVED:

November 13, 2013

COMMISSION SECRETARY:


Christopher M. Fletcher, AICP